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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

No. 3:22-cr-00421-IM-1

Plaintiff,

v.

KEVIN ROBERT MCCARTY,

**DECLARATION OF COUNSEL IN
SUPPORT OF UNOPPOSED
MOTION TO CONTINUE TRIAL
DATE**

Defendant.

I, Robert Hamilton, declare:

1. I am the attorney appointed to represent Kevin Robert McCarty, in the above-entitled case.

2. A jury trial in this case is currently scheduled for January 17, 2023. Mr. McCarty waived his arraignment on December 2, 2022. No continuances of the trial date have been sought by the defense.

3. Mr. McCarty has received discovery and the defense is conducting investigation in his case, including obtaining information relating to circumstances of the offense and Mr. McCarty's background. This information relates to pretrial litigation, trial, and sentencing. Mr. McCarty therefore respectfully requests that this Court continue his case for a period of approximately 60 days or more to accomplish these tasks.

4. I have discussed with Mr. McCarty his right to a speedy trial. He agrees to the continuance and knows it will result in excludable delay under the provisions of 18 U.S.C. § 3161(h)(7)(A) of the Speedy Trial Act.

5. Assistant United States Attorney Gary Sussman has no objection to this motion.

6. I make this motion in good faith and not for the purpose of delay.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on January 3, 2023, in Portland, Oregon.

/s/ Robert Hamilton

Robert Hamilton

Assistant Federal Public Defender